

REMARKS

Claims 26-50 are pending in the application. Claims 28, 39, and 46 are rejected under 35 U.S.C. 112 as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Claims 26-30, 33, 35, 37-39, and 43-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogt (US 6,120,624). Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogt (US 6,120,624) in view of Yoshida (US 4,491,001). Claims 31, 32, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogt (US 6,120,624) in view of Schirra (US 5,527,403). Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogt (US 6,120,624) in view of Schirra (US 5,527,403) in further view of Hashiguchi (US 2002/0162611). Claim 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogt (US 6,120,624) in view of Heitman (US 5,071,059). Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogt (US 6,120,624) in view of Heitman (US 5,071,059) in further view of Schweizer (US 4,222,794).

Rejections under 35 USC 112:

Claims 28 has been amended to eliminate the relative term "better" and to substitute "different". Claim 39 has been amended to eliminate the term "base metal" and to substitute "alloy". Claim 26 has been amended to provide antecedent basis for the term "overaging heat treatment" in claim 46. Thus, all of the rejections under 35 USC 112 have been overcome.

Prior art rejections under 35 USC 103:

Independent claim 26 has been amended to add the following limitations in order to further clarify improvements over all of the cited prior art references and their combinations:

redensifying the component in a furnace immediately after the casting step without cooling of the component after casting and prior to machining or welding; and carrying out, in an intermediate step, an improvement heat treatment comprising an overaging heat treatment on the component immediately after the step of redensifying and in the same furnace such that a holding time for the improvement heat treatment is dispensed with or reduced

because it has already been completely or partially effected by a holding time for the improvement heat treatment.

The prior art Vogt reference describes the use of an overaging heat treatment prior to a repairing a component by welding. Vogt describes the component being heated, then being cooled to room temperature prior to the welding step. The Examiner admits that Vogt fails to teach a redensification step, and thus the rejections supported by Vogt alone are overcome.

The Examiner applies the secondary reference Schirra in combination with Vogt to reject certain originally-presented claims which include the combination of the redensification step and the improvement (overaging) heat treatment steps. Schirra teaches redensification and a subsequent repair and heat treatment. However, the amended claim 26 includes limitations that require the redensification to occur in a furnace immediately after the casting step without cooling the component, and the overaging improvement heat treatment to be performed on the component immediately after the redensifying step in the same furnace such that a holding time for the improvement heat treatment is dispensed with or reduced because it has already been completely or partially effected by a holding time for the improvement heat treatment. Support for these new limitations can be found in the substitute specification at paragraphs 0020, 0026 and 0029. The combination of Vogt and Schirra fails to include these new limitations, thus the combination fails to establish a *prima facie* case for obviousness of the amended claims. The other cited art patents offer nothing to rectify this shortcoming, thus amended claim 26 and all of the other pending claims which depend from claim 26 are now in condition for allowance.

Furthermore, Schirra specifically teaches away from the amended claim 26 limitations at column 4, lines 11-23 where he teaches that the component is cooled for inspection following the redensification step (hot isostatic pressing step), and that the component is then again heated for the subsequent (overaging) heat treatment. Because Schirra teaches away from claim 26, the combination of Vogt and Schirra can not provide a *prima facie* case for the rejection of the amended claim 26.

Conclusion

Based on the above remarks and the amendments made herein, claims 26, 28, 29, 33 and 36-50 are now believed to be in condition for allowance. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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